

**Application of Kentucky Data Link, Inc.
To Provide Resold and Facilities-Based Local
Exchange and Interexchange Telecommunications
Services Throughout South Carolina**

**BEFORE THE 1907
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

DOCKET
NUMBER: 2008 -16 - C

(Please type or print)

Submitted by: Anthony D. Gillette

SC Bar Number:

Address: Kentucky Data Link, Inc.

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Overland Park, KS 66214

Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**☐ **Other:****INDUSTRY (Check one)**

NATURE OF ACTION (Check all that apply)

☐ Electric

☐ Electric/Gas

☐ Electric/Telecommunications

☐ Electric/Water

☐ Electric/Water/Telecom.

☐ Electric/Water/Sewer

☐ Gas

☐ Railroad

☐ Sewer

☐ Telecommunications

☐ Transportation

☐ Water

☐ Water/Sewer

☐ Administrative Matter

☐ Other:

☐ Affidavit

☐ Agreement

☐ Answer

☐ Appellate Review

☒ Application

☐ Brief

☐ Certificate

☐ Comments

☐ Complaint

☐ Consent Order

☐ Discovery

☐ Exhibit

☐ Expedited Consideration

☐ Interconnection Agreement

☐ Interconnection Amendment

☐ Late-Filed Exhibit

<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Protest	_____
<input type="checkbox"/> Publisher's Affidavit	
<input type="checkbox"/> Report	

Print Form

Reset Form



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Corporate Counsel

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§

January 10, 2008

Public Service Commission of South Carolina
Attn: Mr. Terreni, Chief Clerk
101 Executive Center Dr., Suite 100
Columbia, SC 29210

A handwritten signature, likely of Anthony D. Gillette, is written in dark ink. It consists of a series of loops and a final downward stroke.

SC PUBLIC SERVICE
COMMISSION

2008 JAN 11 AM 9:59

RECEIVED

RE: Application of Kentucky Data Link, Inc. to Provide Resold and Facilities-Based
Local Exchange and Interexchange Telecommunications Services throughout South
Carolina

Dear Mr. Terreni:

Enclosed is one (1) original and ten (10) copies of Kentucky Data Link, Inc.'s Motion for Protective Treatment and Application for authority to provide resold and facilities-based local exchange and interexchange telecommunications services throughout South Carolina.

Please acknowledge your receipt of this document by file-stamping the spare copy which is enclosed, and return it to me in the enclosed postage prepaid envelope.

Please contact me if you have any questions or concerns. I can be reached at either (913) 754-3341 or anthony.gillette@kdlinc.com.

Sincerely,

Anthony D. Gillette
Corporate Counsel

Encl.

190171

RECEIVED

2008 JAN 11 AM 10:00

SC PUBLIC SERVICE
COMMISSION

BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

IN RE:

Application of Kentucky Data Link, Inc.
To Provide Resold and Facilities-Based Local
Exchange and Interexchange
Telecommunications Services Throughout
South Carolina

Docket No: 2008-_____

MOTION FOR PROTECTIVE TREATMENT

Kentucky Data Link, Inc. (hereafter "Applicant"), by and through counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C. Code Ann Regs. § 103-804(S)(2), hereby files this Motion for Protective Treatment in the above captioned matter. More specifically, Applicant hereby requests protective treatment of its, and its affiliates, financial information which is commercially-sensitive and attached to its Application to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services (hereafter "Application") as Exhibit 4. The aforementioned financial information is being filed as a Trade Secret, and because this Motion is integral to Applicant's Application, it is being submitted simultaneously therewith.

Applicant states the following in support of this Motion:

I. DESCRIPTION OF CONFIDENTIAL INFORMATION

As part of the application process to obtain authority, Applicant is required to disclose documents evidencing its financial ability to provide service. Pursuant to this requirement, Applicant is filing a copy of its most recent financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Applicant's competitive position.

II. BASIS FOR CLAIM OF CONFIDENTIALITY

Pursuant to the South Carolina Trade Secret Act, a "trade secret" is information that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public... and (ii) is the subject of efforts that are reasonable under the circumstance to maintain its secrecy. S.C. Code Ann. § 39-8-20(5)(a).

Accordingly, in light of the foregoing definition, Applicant's financial documents qualify as a trade secret. Applicant is a privately held company whose financial status is not readily available or ascertainable by third parties. Applicant has no obligation to prepare or submit projected financial statements or information to any public entities. The unavailability of this financial information derives independent economic value for the Applicant because its disclosure would harm its ability to compete in a competitive marketplace.

Applicant takes considerable steps to ensure the financial information being filed with its Application remains secret. The information is not publicly disclosed or disseminated, and access to it by employees is limited to those with a need to have said information.

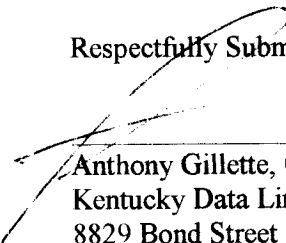
Any and all copies of said documents that are filed with a state commission are marked as confidential, and are submitted alongside a formal request or motion that the documents be treated as confidential and a trade secret under applicable state law.

III CONCLUSION

The financial information for which Applicant is seeking protective treatment is both proprietary and competitively sensitive. The disclosure of Applicant, and its affiliates, financial information would cause a substantial and direct harm to Applicant's ability to compete. The harm that would be imposed is real and actual, not speculative. Moreover, no other jurisdiction has required Applicant to make its financial information publicly available. Therefore, for the foregoing reasons, the financial information provided by Applicant in Exhibit 4 to its Application should be protected from public disclosure.

WHEREFORE, Applicant requests that the information contained in Exhibit 4 of its Application be ruled exempt from public disclosure and provided protective treatment as a confidential trade secret in accordance with state law.

Respectfully Submitted,



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